



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Herron et al.

**Serial No.:** 09/877,635

**Filed:** June 8, 2001

**For:** DIAGNOSTIC DEVICE AND  
METHOD

**Confirmation No.:** 9774

**Examiner:** G. Gabel

**Group Art Unit:** 1641

**Attorney Docket No.:** 0274.02-3278.2US

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EV325781147US

Date of Deposit with USPS: April 9, 2004

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**AMENDMENT UNDER 37 C.F.R. § 1.116**

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Sir:

This Amendment is being filed in response to the Final Office Action dated February 9, 2004, the shortened statutory period for response to which is set to expire on May 9, 2004. This Amendment is being filed within two months of the mailing date of the Final Office Action.

**Amendments to the claims** are set forth in the listing of the claims, which begins on page 2 of this paper; and

**Remarks** start at page 5 of this paper.

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04-12-09

AF 1641

PTO/SB/21 (08-00)

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Approved for use through 10/31/2002. OMB 0651-0031

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/877,635	
	Filing Date	June 8, 2001	
	First Named Inventor	Herron et al.	
	Group Art Unit	1641	
	Examiner Name	G. Gabel	
		Attorney Docket Number	0274.02-3278.2US (U-2541.2)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Postcard receipt acknowledgment (attached to the front of this transmittal) <input checked="" type="checkbox"/> Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16 <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Response to Restriction Requirement/Election of Species Requirement dated <input type="checkbox"/> Amendment in response to office action dated <input checked="" type="checkbox"/> Amendment under 37 C.F.R. § 1.116 in response to final office action dated February 9, 2004 <input type="checkbox"/> Additional claims fee - Check No. in the amount of \$ <input type="checkbox"/> Letter to Chief Draftsman and copy of FIGS. with changes made in red <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Formal Drawings ( sheets)	<input type="checkbox"/> Information Disclosure Statement, PTO/SB/08A (08-00); <input type="checkbox"/> copy of cited references <input type="checkbox"/> Supplemental Information Disclosure Statement; PTO/SB/08A (08-00); copy of cited references and Check No. in the amount of \$180.00 <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> Petition for Extension of Time and Check No. in the amount of \$ <input type="checkbox"/> Petition <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Black G. Power	Registration No. 38,581
Signature		
Date	April 9, 2004	

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